

1 JUDGE FRANKLIN D. BURGESS  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA, ) NO. CR05-5733FDB  
Plaintiff, )  
vs. ) ORDER GRANTING STIPULATED  
NATHAN MILLER, ) DEFENSE MOTION TO CONTINUE  
Defendant. ) TRIAL DATE  
\_\_\_\_\_ )

Based on the stipulated defense motion to continue the trial date, and the affidavit of defense counsel in support of the motion, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).
2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(I).
3. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B)(ii).

4. Taking into account the exercise of due diligence, a continuance is necessary to allow the defendant the reasonable time for effective preparation his defense. 18 U.S.C. § 3161(h)(8)(B)(iv).

NOW, THEREFORE,

IT IS HEREBY ORDERED that the trial date is continued from January 9, 2006 to March 6, 2006, at 9:00 am. The resulting period of delay from January 9, 2006, up to and including the new trial date of March 6, 2006, is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A) and (B).

Pre-trial motions are due no later than December 27, 2005.

Pre-trial conference shall be on February 24, 2006, at 1:30 pm.

DONE this 22<sup>nd</sup> day of November, 2005.

/s/ Franklin D Burgess  
JUDGE FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE

Presented By:

/s/ Russell V. Leonard

/s/ Gregory Gruber

Russell V. Leonard  
Attorney for Defendant

Gregory Gruber  
Assistant United States Attorney